

AS

Notice of Allowability

Application No.

10/004,713

Examiner

Julian Mercado

Applicant(s)

FARKASH, RON H.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-18-04.
2. ☒ The allowed claim(s) is/are 1-3,5-7,9-13 and 15-19.
3. ☒ The drawings filed on 01 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Remarks

This Office action is responsive to applicant's amendment filed June 18, 2004.

Claims 1-3, 5-7, 9-13 and 15-19 are pending.

Claim Rejections - 35 USC § 102 and 103

The rejection of claims 1-3, 5-7, 9-13 and 15-19 under 35 U.S.C. 103(a) based on Tsien et al. (U.S. Pat. 4,124,478) and Lee et al. (U.S. Pat. 5,543,240) has been withdrawn. The same ground of rejection for claims 4, 8, 14, and 20 is deemed moot in view of these claims being canceled by the present amendment.

Allowable Subject Matter

Claims 1-3, 5-7, 9-13 and 15-19 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest the instant invention regarding a first of a plurality of open gas distribution channels having a first end connected to a first gas delivery hole or manifold, a second end connected to a first gas exhaust hole or manifold while not connected to a second gas exhaust hole or manifold, with a second of the plurality of open gas distribution channels having a first end connected to a second gas delivery hole or manifold and a second end connected to the second gas exhaust hole or manifold while not connected to the first gas exhaust hole or manifold, and a third of the plurality of open gas distribution channels having a first end connected to the second gas delivery hole or

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manifold and a second end connected to the first gas exhaust hole or manifold while not connected to the second gas exhaust hole.

The prior Office action relied on Tsien et al. to the extent that the limitation drawn to a first portion of the gas distribution channels being connected at one end to a first one of the plurality of gas delivery holes and at another end to a first one of a plurality of gas exhaust holes did not preclude a distribution channel from being connected to other fluid exhaust holes, such as in Tsien et al. wherein channels [16] and [18] share a fluidic connection in central area [6]. (see Figure 1) The claims as amended, in further defining the connectivity of the first, second and third distribution channels, is distinguishable from the common open distribution network of Tsien et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

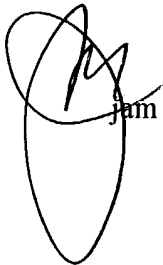
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



jam



Patrick Ryan
Supervisory Patent Examiner
Technology Center 1700